

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRISTOPHER MICHAEL BROOKS,)	
)	
Petitioner,)	
)	
vs.)	
)	
JAMES DELOACH, (OR OTHER PERSON HAVING CUSTODY OF PETITIONER))	CASE NO.: 1:07-cv-00505-MHT-CSC
)	
AND)	
)	
HONORABLE TROY KING, ATTORNEY GENERAL OF THE STATE OF ALABAMA,)	
)	
Respondent(s).)	

OBJECTION TO RECOMMENDATION OF THE MAGISTRATE JUDGE

COMES NOW Petitioner, CHRISTOPHER MICHAEL BROOKS, by and through undersigned counsel, J. E. SAWYER, JR., and in response to the Recommendation of the Magistrate Judge states that his Petition for Writ of Habeas Corpus should not be dismissed, and for grounds states as follows:

1. Under the *Alabama Rules of Criminal Procedure* Rule 32.2(a), Preclusion of Remedy, “[a] petitioner will not be given relief under this rule based upon any ground: (4) [w]hich was raised or addressed on appeal . . .”

2. Petitioner raised and addressed the issue of ineffective assistance of counsel on appeal to the Alabama Court of Criminal Appeals (criminal appeal number CR-04-0708), in an Application for Rehearing to the Alabama Court of Criminal Appeals, and in a Petition for Writ of Certiorari to the Supreme Court of Alabama (Alabama Supreme Court number 1051397).

WHEREFORE, Petitioner has raised the issue of ineffective assistance of counsel in multiple appeal proceedings, and *Alabama Rules of Criminal Procedure* Rule 32 does not preclude Petitioner from habeas corpus relief. For this reason, Petitioner prays for this Court to not dismiss his petition for failure to exhaust state remedies.

RESPECTFULLY SUBMITTED on this the 19th day of July, 2007.

/s/ J.E. Sawyer, Jr. _____
J. E. Sawyer, Jr. (SAW00)
Attorney for Petitioner
203 South Edwards Street
Enterprise, Alabama 36330
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CERTIFICATE OF SERVICE

I certify that on July 19, 2007 I filed the above and foregoing electronically with the Clerk of Court using the CM/ECF system and that notice of my filing of same will be:

Electronically served on:

Honorable Troy King
Attorney General
11 South Union Street
Montgomery, AL 36130

Honorable Marc A. Starrett
Assistant Attorney General
11 South Union Street
Montgomery, AL 36130

/s/ J.E. Sawyer, Jr. _____
Of Counsel